

Dear Secretary Austin,

We, the undersigned humanitarian, national security, human rights, faith-based, civilian protection, and grassroots organizations, write to express our alarm regarding the possible transfer of 155mm artillery shells to support Israel's ground operations in the Gaza Strip. We urge you to refrain from granting the government of Israel access to the U.S.-origin 155mm munitions currently stockpiled there.

Since Israel launched its military response to Hamas' brutal attacks on October 7, President Biden has stressed Israel's responsibility to protect its people within the limits of international humanitarian law (IHL). IHL requires, among other things, that parties to armed conflict distinguish between civilian and military personnel and objects. Accordingly, the use of weapons incapable of being directed at military objectives under particular circumstances is prohibited.

When explosive weapons are used in populated areas, on average 90 percent of the victims are civilians.¹ The International Committee of the Red Cross has called on states to avoid using explosive weapons in populated areas due to the significant likelihood they will have indiscriminate effects and thereby violate fundamental principles of IHL.² The United States has also joined 82 other states in endorsing the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas, a commitment to both avoid and address civilian harm from the use of explosive weapons in populated areas and to actively promote the Declaration with other states.³

In Gaza, one of the world's most densely populated places, 155mm artillery shells are inherently indiscriminate.⁴ These munitions are unguided and have a high error radius, often landing 25 meters away from the intended target. Upon impact, 155mm shells expel 2,000 sharp metal fragments in every direction, risking injury, death, and permanent disability to civilians within 300 meters of the blast. Simply put, it is difficult to imagine a scenario in which high explosive 155mm artillery shells could be used in Gaza in compliance with IHL.

The Israeli Defense Forces' (IDF) past use of artillery in Gaza bears out our concerns: the IDF fired 8,000 155mm shells during Operation Cast Lead in 2008-9 and 34,000 shells during Operation Protective Edge in 2014. These munitions hit schools, neighborhoods, hospitals, shelters, and refugee camps, killing, wounding, and displacing scores of civilians. In accordance with the Biden administration's Conventional Arms Transfer policy, this historical record must be considered in determining the likelihood that proposed transfers may contribute to IHL violations.⁵

¹ <https://www.unocha.org/explosive-weapons-populated-areas>

² <https://www.icrc.org/en/publication/4716-explosive-weapons-populated-areas>

³ <https://www.dfa.ie/our-role-policies/international-priorities/peace-and-security/ewipa-consultations/>

⁴ <https://www.oxfamamerica.org/explore/research-publications/artillery-shells-transfer/>

⁵ <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/23/memorandum-on-united-state-s-conventional-arms-transfer-policy/>

The Biden administration has also reportedly counseled against expansive ground operations lacking clear objectives in Gaza in light of the devastating humanitarian catastrophe unfolding there. Israeli operations have killed 11,180 Palestinians, gravely injured thousands more, and displaced more than 1.4 million from their homes. Safe water, sanitation, and proper healthcare are largely unavailable, leading to massive public health risks. Transferring 155mm artillery shells right now would be viewed as a green light for the sort of large-scale, destructive ground invasion that the Israeli government is currently pursuing. This sort of legally unconstrained operation would exponentially exacerbate what is already a terrifying humanitarian nightmare.

155mm artillery shells do not serve legitimate defense needs and pose a grave risk to civilians. Under the current circumstances, granting the government of Israel access to these munitions would undermine the protection of civilians, respect for international humanitarian law, and the credibility of the Biden administration. For these reasons, we strongly urge you to withhold authorization for this transfer of 155mm artillery shells to the government of Israel.

Signed,

Action Corps

American Friends Service Committee (AFSC)

Amnesty International USA

Anera

Center for International Policy

Center for Civilians in Conflict (CIVIC)

Christian and Jewish Allies

Demand Progress Education Fund

Evangelical Lutheran Church in America

Friends Committee on National Legislation

ICNA Council for Social Justice

Indivisible

Islamic Center of Detroit

LIFE for Relief and Development

MADRE

Maryknoll Office for Global Concerns

Mennonite Central Committee U.S.

Muslim Peace Fellowship

Nonviolent Peaceforce

Oxfam America

Pax Christi USA

Peace Action

Peace & Social Justice Committee

Presbyterian Church (USA) Office of Public Witness

Project on Middle East Democracy (POMED)

Quincy Institute for Responsible Statecraft

Refugees International

ReThinking Foreign Policy

University Network for Human Rights

WESPAC Foundation, Inc.

Win Without War

Women for Weapons Trade Transparency

Yemen Relief and Reconstruction Foundation